

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 14364US05

In the Application of:)
Joseph J. Kubler et al.)
Serial No. 10/760,035) CERTIFICATE OF ELECTRONIC FILING
Filed: January 16, 2004) I hereby certify that this correspondence is
For: HIERARCHICAL DATA) being sent via electronic filing to the United
COLLECTION NETWORK) States Patent and Trademark Office on this
SUPPORTING PACKETIZED VOICE) date:
COMMUNICATIONS AMONG) October 20, 2008
WIRELESS TERMINALS AND)
TELEPHONES) /Philip Henry Sheridan/
Examiner: ROBERTS, BRIAN S) Philip Henry Sheridan
Group Art Unit: 2419) Reg. No. 59,918
Confirmation No.: 8478)

**LITIGATION STATEMENT PURSUANT TO MPEP § 2001.06(C) and SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with MPEP § 2001.06(c), the Applicants would like to bring to the attention of the U.S. Patent and Trademark Office that the subject matter currently being claimed in the present application may be related to at least one of the patents currently asserted by owner of record of the present application, Broadcom Corporation, in a patent infringement action between Broadcom and Qualcomm, Inc., in the Central District of California, Southern Division, Case No. SACV-05-467-JVS. A jury found U.S. Patent No. 6,389,010 ("the '010 patent") valid and infringed by Qualcomm on May 29, 2007. The court entered an order permanently enjoining Qualcomm from infringing the '010 patent on December 31, 2007. The court entered an amended and restated permanent injunction order on February 5, 2008. The court entered a second amended and restated permanent injunction order on March 13, 2008. On March 24, 2008, the court entered judgment pursuant to Federal Rule of Civil Procedure 54(b). The above-mentioned amended and restated permanent injunction order, second amended and restated permanent injunction order and Rule 54(b) judgment were appealed to the U.S. Court of Appeals for the Federal Circuit in appeal numbers 2008-1199, 2008-1271 and 2008-1272. **On**

September 24, 2008, the U.S. Court of Appeals for the Federal Circuit affirmed the judgment of infringement and validity of the ‘010 patent and the issuing of the permanent injunction. Specifically, the Court of Appeals for the Federal Circuit stated that “substantial evidence supports the jury’s determinations of infringement and validity of the [] ‘010 patent[].” In fact, Qualcomm did not even appeal the District Court’s finding that the claims of the ‘010 patent are valid.

Further, the Applicants submit herewith a Supplemental Information Disclosure Statement, including form PTO/SB/08 which has six (6) pages. A copy of each printed reference listed in the PTO/SB/08A form is also attached. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Further, pursuant to 37 CFR 1.98(d), Applicants have not submitted reference C35, which was cited by the Examiner in a parent patent application (Application Serial Number 10/141,506, which issued as U.S. Patent No. 6,850,510). Five (5) references, including the Court of Appeals for the Federal Circuit’s decision, are attached in one electronic submission for the Supplemental Information Disclosure Statement.

This submission is in no way intended as an admission that the submitted reference constitutes prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that the cited reference is not indeed prior art or to take any actions necessary to remove the cited reference from the available prior art.

The Examiner is requested to initial the attached PTO/SB/08 and return one copy to the applicants to indicate consideration of the attached reference.

A fee in the amount of \$180 is believed to be due because:

- * The applicant(s) believe(s) that this statement and attachments are being filed after the first Office action on the merits has been mailed by the PTO. The basis of this belief is that an Office action on the merits appears to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Date: October 20, 2008

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